

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

B.K. SHAH,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

22-CV-2049 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated March 14, 2022, the Court dismissed Plaintiff's complaint without prejudice for Plaintiff's failure to comply with *Shah v. N.Y. State Office of Mental Health*, ECF 7:14-CV-3304, 7 (S.D.N.Y. Aug. 14, 2014), requiring Plaintiff to seek permission from the Court to file any new action. (ECF No. 3.) On March 31, 2022, although his time to appeal this order has not yet expired, Plaintiff filed a letter requesting an extension of time of file a notice of appeal. (ECF No. 7.)

Under Fed. R. App. P. 4(a)(1)(A), a notice of appeal in a civil case must be filed within 30 days after entry of judgment. Rule 4(a)(1)(B)(ii) of the Federal Rules of Appellate Procedure requires that, if one of the parties is a United States agency, a notice of appeal in a civil case may be filed within 60 days after entry of the judgment. *See* Fed. R. App. P. 4(a)(1)(B)(ii). "[T]he taking of an appeal within the prescribed time is mandatory and jurisdictional." *In re WorldCom, Inc.*, 708 F.3d 327, 329 (2d Cir. 2013) (citation and internal quotation marks omitted). Because Plaintiff's time to file a notice of appeal has not expired, a motion for extension of time to appeal is unnecessary. Accordingly, Plaintiff's request for an extension of time to appeal is denied as unnecessary.

### CONCLUSION

Plaintiff's request for an extension of time to file a notice of appeal (ECF No. 7) is denied as unnecessary.

Because Plaintiff sought to bring claims against the United States of America, Plaintiff may file a notice of appeal within 60 days of March 16, 2022, when judgment was entered in this case.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: March 31, 2022  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge